

# DAILY DIGEST

Vol. 16, No. 50

March 14,1997

\*\*Before an entry denotes that the item is part of the FCC's implementation of the 1996 Telecom Act. While we will attempt to flag all Telecom Act-related items, this marking is unofficial and informational only.

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The following items were adopted at the March 13, 1997, Commission meeting and released later that day.

## NEWS RELEASES

COMMISSION PROPOSES TO ALLOCATE SPECTRUM FOR FIXED-SATELLITE SERVICES AND SETS FORTH A PLAN FOR THE 36-51.4 GHZ BAND -- IB DOCKET NO. 97-95, (REPORT NO. IN 97-5, INTERNATIONAL ACTION). In a Notice of Proposed Rulemaking the Commission proposed spectrum allocations for both geostationary and non-geostationary Fixed Satellite Services. Action by the Commission March 13, 1997, by Notice of Proposed Rulemaking (FCC 97-85). Adopted: March 13, 1997. News Media Contact: Meribeth McCarrick (202) 418-0500. IB Contact: Virginia Marshall at (202) 418-0778. Internet URL: [https://www.fcc.gov/Bureaus/International/News\\_Releases/nrin7007.txt](https://www.fcc.gov/Bureaus/International/News_Releases/nrin7007.txt)

COMMISSION ACTS TO STREAMLINE THE EQUIPMENT AUTHORIZATION PROCESS -- ET DOCKET NO. 97-94, (REPORT NO. ET 97-2, ENGINEERING AND TECHNOLOGY ACTION). The Commission proposed to simplify and streamline its equipment authorization processes which will benefit both large and small manufacturers and encourage development of innovative products for consumers. Action by Commission March 13, 1997, by Notice of Proposed Rulemaking (FCC 97-84). Adopted: March 13, 1997. News Media Contact: Jodie Buenning (202) 418-1500. OET Contact: Julius Knapp at (301) 725-1585 x 201 or John Reed at (202) 418-2455. Internet URL: [https://www.fcc.gov/Bureaus/Engineering\\_Technology/News\\_Releases/nret7005.txt](https://www.fcc.gov/Bureaus/Engineering_Technology/News_Releases/nret7005.txt)

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The following items are dated for and released on March 14, 1997:

## NEWS RELEASES

COMMISSION SEEKS COMMENT ON REVISED POLE ATTACHMENT FORMULA (REPORT NO. CS 97-12, CABLE SERVICES ACTION). The Commission adopted a Notice of Proposed Rulemaking (FCC 97-94) seeking comment on proposed revisions to the Commission's rules relating to the maximum just and reasonable rates utilities may charge for attachments made to a pole, duct, conduit or right-of-way. Action by the Commission March 14, 1997, by Notice of Proposed Rulemaking (FCC 97-94). News Media Contact: Morgan Broman (202) 418-2358. CSB Contact: Michael T. McMenamin at (202) 418-2231. Internet URL: [https://www.fcc.gov/Bureaus/Cable/News\\_Releases/1997/nrcb7005.txt](https://www.fcc.gov/Bureaus/Cable/News_Releases/1997/nrcb7005.txt)

COMMISSION ADOPTS FINAL RATE REGULATION RULES FOR LOW-PRICE CABLE TELEVISION SYSTEMS -- MM DOCKET NO. 92-266, (REPORT NO. CS 97-11, CABLE SERVICES ACTION). The Commission adopted an order (FCC 97-87) making permanent the transition relief afforded to "low-price" cable television systems. Action by the Commission March 13, 1997, by Report and Order (FCC 97-87). News Media Contact: Morgan Broman (202) 418-2358. CSB Contact: Rodney McDonald at (202) 418-7200. Internet URL: [https://www.fcc.gov/Bureaus/Cable/News\\_Releases/1997/nrcb7004.txt](https://www.fcc.gov/Bureaus/Cable/News_Releases/1997/nrcb7004.txt)

COMMISSION ADOPTS CABLE SYSTEM UNIFORM RATE-SETTING METHODOLOGY TO IMPROVE MARKETING AND FOSTER COMPETITION IN VIDEO PROGRAMMING MARKETS (REPORT NO. CS 97-10, CABLE SERVICES ACTION). The Commission adopted an order (FCC 97-86) that will permit a cable television system operator to submit a proposal to establish uniform rates across multiple franchise areas. Action by the Commission March 13, 1997, by Report and Order (FCC 97-86). News Media Contact: Morgan Broman (202) 418-2358. CSB Contact: Larry Walke and JoAnn Lucanik at (202) 418-7200. Internet URL: [https://www.fcc.gov/Bureaus/Cable/News\\_Releases/1997/nrcb7006.txt](https://www.fcc.gov/Bureaus/Cable/News_Releases/1997/nrcb7006.txt)

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## PUBLIC NOTICES

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Report No: TEL-73-A. Released: March 14, 1997. STREAMLINED INTERNATIONAL SECTION 214 APPLICATIONS ACCEPTED FOR FILING (FORMAL SECTION 63.18). Internet URL: [https://www.fcc.gov/Bureaus/International/Public\\_Notices/1997/pnin7053.txt](https://www.fcc.gov/Bureaus/International/Public_Notices/1997/pnin7053.txt)

Report No: TEL-73-B. Released: March 14, 1997. NON-STREAMLINED INTERNATIONAL SECTION 214 AND CABLE LANDING LICENSE APPLICATIONS ACCEPTED FOR FILING (FORMAL SECTION 63.18 AND 1.767). Internet URL: [https://www.fcc.gov/Bureaus/International/Public\\_Notices/1997/pnin7052.txt](https://www.fcc.gov/Bureaus/International/Public_Notices/1997/pnin7052.txt)

Report No: 43949. Released: March 14, 1997. BROADCAST ACTIONS. Internet URL: [https://www.fcc.gov/Bureaus/Mass\\_Media/Public\\_Notices/Brdcst\\_Actions/ac970314.txt](https://www.fcc.gov/Bureaus/Mass_Media/Public_Notices/Brdcst_Actions/ac970314.txt)

Report No: 23949. Released: March 14, 1997. BROADCAST APPLICATIONS. Internet URL: [https://www.fcc.gov/Bureaus/Mass\\_Media/Public\\_Notices/Brdcst\\_Applications/ap970314.txt](https://www.fcc.gov/Bureaus/Mass_Media/Public_Notices/Brdcst_Applications/ap970314.txt)

Released: March 14, 1997. NOTICE OF EX PARTE PRESENTATION - STATION WZLS-FM, BILTMORE FOREST, NORTH CAROLINA. Dkt No.: MM- 88-577.

Released: March 14, 1997. EX PARTE PRESENTATIONS AND POST-REPLY COMMENT PERIOD FILINGS IN NON-RESTRICTED PROCEEDINGS. Contact: Barbara Lowe at (202) 418-0310. Internet URL: [https://www.fcc.gov/Bureaus/Miscellaneous/Public\\_Notices/Exparte/ex970314.html](https://www.fcc.gov/Bureaus/Miscellaneous/Public_Notices/Exparte/ex970314.html)

Report No: LB-97-21. Released: March 14, 1997. WIRELESS TELECOMMUNICATIONS BUREAU COMMERCIAL WIRELESS SERVICE INFORMATION.

Report No: CL-97-43. Released: March 14, 1997. WIRELESS TELECOMMUNICATIONS BUREAU COMMERCIAL RADIO SERVICE INFORMATION. Internet URL: [https://www.fcc.gov/Bureaus/Wireless/Public\\_Notices/1997/pnwl7064.txt](https://www.fcc.gov/Bureaus/Wireless/Public_Notices/1997/pnwl7064.txt)

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## TEXTS

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TELEPORT COMMUNICATIONS -- NEW YORK. Dismissed a petition to deny the transfer application filed on May 1, 1992, by the United States Telephone Association. Action by the Commission. Adopted: March 10, 1997. by Order. (FCC No. 97-81).

LOW PRICE SYSTEMS. Terminated the transition period for low-price cable television systems and implemented final rate regulation rules for such systems. Dkt No.: MM- 92-266. Action by the Commission. Adopted: March 13, 1997. by R&O. (FCC No. 97-87). CSB Internet URL:

<https://www.fcc.gov/Bureaus/Cable/Orders/1997/fcc97087.txt>

UNIFORM RATE-SETTING METHODOLOGY. Established optional rate setting methodology such that a cable operator could establish uniform rates for uniform service tiers offered in multiple franchise areas. Dkt No.: CS- 95-174. Action by the Commission. Adopted: March 13, 1997. by R&O. (FCC No. 97-86). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1997/fcc97086.txt>

TIME WARNER ENTERTAINMENT CO., L.P. Granted petition filed by Time Warner Entertainment Co., L.P., seeking special relief to modify the Boston, Massachusetts ADI to exclude Television Broadcast Station WUNI (Ch. 27, Univision Spanish language network affiliate) from carriage on its cable system serving various communities in New Hampshire and Vermont. Action by Deputy Chief, Cable Services Bureau. Adopted: March 11, 1997. by MO&O. (DA No. 97-526). CSB Internet URL:

<https://www.fcc.gov/Bureaus/Cable/Orders/1997/da970526.txt>

AMENDMENT OF RULES AND POLICIES GOVERNING POLE ATTACHMENTS. Issued Notice of Proposed Rulemaking regarding the Commission's rules relating to the maximum just and reasonable rates utilities may charge for attachments made to a pole, duct, conduit or right-of-way. Comments due May 12; replies June 12. Dkt No.: CS- 97-98. Action by the Commission. Adopted: March 14, 1997. by NPRM. (FCC No. 97-94). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Notices/1997/fcc97094.txt>

DESKTOP VISION HANDCRAFTED, INC. V. ROBIN MEDIA GROUP, INC. Dismissed petition for relief in File No. CSR 4688-L, under Section 76.975 of the rules for commercial leased access service. Action by Chief, Cable Services Bureau. Adopted: March 11, 1997. by MO&O. (DA No. 97-532). CSB Internet URL:

<https://www.fcc.gov/Bureaus/Cable/Orders/1997/da970532.txt>

DESKTOP VISION HANDCRAFTED, INC. V. MID-SOUTH CABLE TV, INC. Dismissed petition for relief in File No. CSR 4687-L, under Section 76.975 of the rules for commercial leased access service. Action by Chief, Cable Services Bureau. Adopted: March 11, 1997. by MO&O. (DA No. 97-531). CSB Internet URL:

<https://www.fcc.gov/Bureaus/Cable/Orders/1997/da970531.txt>

TIME WARNER ENTERTAINMENT - ADVANCE NEWHOUSE PARTNERSHIP, DBA TIME WARNER CABLE. Granted petition for special relief for modification of the television market of Station WWTO-TV, La Salle, Illinois. Action by Deputy Chief, Cable Services Bureau. Adopted: March 11, 1997. by MO&O. (DA No. 97-545). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1997/da970545.txt>

GST TELECOM, INC. Granted application of GST Telecom, Inc. under the Cable Landing License Act for authority to land and operate a submarine fiber cable system extending between the Northern Mariana Islands of Saipan, Tinian, Rota and the Territory of Guam. Action by Chief, Telecommunications Division, International Bureau. Adopted: March 11, 1997. by C. L. License. (DA No. 97-522). IB Internet URL:

<https://www.fcc.gov/Bureaus/International/Orders/1997/da970522.txt>

RIDGECREST, CA. Denied Valley Public Television, Inc.'s Application for Review that appeals the dismissal of its rulemaking petition; terminated proceeding. Dkt No.: MM- 92-246. Action by the Commission. Adopted: March 4, 1997. by MO&O. (FCC No. 97-72). MMB Internet URL:

<https://www.fcc.gov/Bureaus/Mass Media/Orders/1997/fcc97072.txt>

PREMONT, TX. Effective April 28, amended Section 73.202(b) of the Commission's Rules, the Table of FM Allotments, to substitute Channel 264C3 for Channel 285A at Premont, Texas, and modify the license of

KMFM(FM) accordingly; terminated proceeding. Dkt No.: MM- 95-120. Action by Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau. Adopted: March 5, 1997. by R&O. (DA No. 97-485). MMB Internet URL: [https://www.fcc.gov/Bureaus/Mass\\_Media/Orders/1997/da970485.txt](https://www.fcc.gov/Bureaus/Mass_Media/Orders/1997/da970485.txt)

MUKWONAGO, WI. Proposed amending FM Table to allot Channel 287A to Mukwonago, Wisconsin, as the community's first local broadcast service. Comments due May 5; replies May 20. Dkt No.: MM- 97-92. Action by Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau. Adopted: March 5, 1997. by NPRM. (DA No. 97-487). MMB Internet URL: [https://www.fcc.gov/Bureaus/Mass\\_Media/Notices/1997/da970487.txt](https://www.fcc.gov/Bureaus/Mass_Media/Notices/1997/da970487.txt)

HARDINSBURG, IN. Proposed amending FM Table to allot Channel 245A to Hardinsburg, Indiana, as that community's first local aural transmission service; comments due May 5; replies May 20. Dkt No.: MM- 97-93. Action by Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau. Adopted: March 5, 1997. by NPRM. (DA No. 97-488). MMB Internet URL: [https://www.fcc.gov/Bureaus/Mass\\_Media/Notices/1997/da970488.txt](https://www.fcc.gov/Bureaus/Mass_Media/Notices/1997/da970488.txt)

HILTON AND ALBION, NY. Effective April 28, amended Section 73.202(b) of the Commission's Rules, the Table of FM Allotments, to allot Channel 238A to Albion, New York, as the community's first local FM service; filing window April 28-May 29; terminated proceeding. Dkt No.: MM- 96-125. Action by Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau. Adopted: March 5, 1997. by R&O. (DA No. 97-475). MMB Internet URL: [https://www.fcc.gov/Bureaus/Mass\\_Media/Orders/1997/da970475.txt](https://www.fcc.gov/Bureaus/Mass_Media/Orders/1997/da970475.txt)

ALEXANDRIA AND BALL, LA. Acted in the proceeding regarding the proposed allotment of Channel 295A in Louisiana; terminated proceeding. Dkt No.: MM- 96-143. Action by Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau. Adopted: March 5, 1997. by R&O. (DA No. 97-486). MMB Internet URL: [https://www.fcc.gov/Bureaus/Mass\\_Media/Orders/1997/da970486.txt](https://www.fcc.gov/Bureaus/Mass_Media/Orders/1997/da970486.txt)

LEWISVILLE, GAINESVILLE, ROBINSON, CORSICANA, JACKSBORO, AND MINERAL WELLS, TX. Acted in the matter relating to Heftel Broadcasting Corporation's Petition for Rule Making proposing the following: substitution of Channel 300C1 for Channel 300C2 at Gainesville, Texas; reallocation of Channel 300C1 to Lewisville, Texas; modification of Station KECS construction permit accordingly; substitution of Channel 300A for Channel 300C1 at Corsicana, Texas; reallocation of Channel 300A to Robinson, Texas; modification of Station KICI's license accordingly; Channel 237A substitution at Jacksboro, Texas; Channel 240C3 substitution at Mineral Wells, Texas; comments due May 5; replies May 20. Dkt No.: MM- 97-91. Action by Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau. Adopted: March 5, 1997. by NPRM & ORDER. (DA No. 97-489). MMB Internet URL: [https://www.fcc.gov/Bureaus/Mass\\_Media/Notices/1997/da970489.txt](https://www.fcc.gov/Bureaus/Mass_Media/Notices/1997/da970489.txt)

**ADDENDA: The following items, released March 13, 1997, did not appear in Digest No. 49:**

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## NEWS RELEASES

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FCC COMMISSIONER CHONG CALLS FOR ADVERTISING INDUSTRY TO STEP FORWARD IN MEDIA CONTENT DEBATES. At a speech to the National Governmental Affairs Conference of the American Advertising Federation, FCC Commissioner Rachelle B. Chong called for broadcasters to be "responsible and responsive" to concerns about TV violence and alcohol advertising as a way to quell calls for more government regulation of media content. Chong. Internet URL: [https://www.fcc.gov/Bureaus/Miscellaneous/News\\_Releases/1997/nrmc7018.txt](https://www.fcc.gov/Bureaus/Miscellaneous/News_Releases/1997/nrmc7018.txt)

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**PUBLIC NOTICES**

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Released: March 13, 1997. NORTHLAND TELEPHONE COMPANY AND U S WEST COMMUNICATIONS, INC. FILED A PETITION FOR WAIVER OF SECTIONS 61.41(C) AND (D), 69.3(E)(6), AND THE DEFINITION OF "STUDY AREA" CONTAINED IN THE APPENDIX-GLOSSARY OF PART 36 OF THE COMMISSION'S RULES AAD 97-37. Comments due April 2; replies April 14. (DA No. 97-546). Internet URL: [https://www.fcc.gov/Bureaus/Common\\_Carrier/Public\\_Notices/1997/da970546.txt](https://www.fcc.gov/Bureaus/Common_Carrier/Public_Notices/1997/da970546.txt)

Report No: 43948. Released: March 13, 1997. BROADCAST ACTIONS. Internet URL: [https://www.fcc.gov/Bureaus/Mass\\_Media/Public\\_Notices/Brdcst\\_Actions/ac970313.txt](https://www.fcc.gov/Bureaus/Mass_Media/Public_Notices/Brdcst_Actions/ac970313.txt)

Report No: B-192. Released: March 13, 1997. NON-COMMERCIAL EDUCATIONAL FM BROADCAST APPLICATIONS ACCEPTED FOR FILING AND NOTIFICATION OF APRIL 17 CUT-OFF DATE. Internet URL: [https://www.fcc.gov/Bureaus/Mass\\_Media/Public\\_Notices/Radio\\_Cutoffs/pnmm7037.txt](https://www.fcc.gov/Bureaus/Mass_Media/Public_Notices/Radio_Cutoffs/pnmm7037.txt)

Report No: A-309. Released: March 13, 1997. NON-COMMERCIAL EDUCATIONAL FM BROADCAST APPLICATIONS ACCEPTED FOR FILING AND NOTIFICATION OF APRIL 17 CUT-OFF DATE. Internet URL: [https://www.fcc.gov/Bureaus/Mass\\_Media/Public\\_Notices/Radio\\_Cutoffs/pnmm7036.txt](https://www.fcc.gov/Bureaus/Mass_Media/Public_Notices/Radio_Cutoffs/pnmm7036.txt)

Released: March 13, 1997. EXPEDITED PLEADING CYCLE ESTABLISHED FOR OPPOSITIONS AND REPLIES TO OPPOSITIONS TO PETITIONS FOR RECONSIDERATION FILED BY THE WIRELESS CABLE ASSOCIATION INTERNATIONAL, INC. AND BY PACS PROVIDERS FORUM AND DIGIVOX CORPORATION. Oppositions due March 21; replies to Oppositions due March 25. (DA No. 97-548). Contact: Josh Roland or Matthew Moses, Auctions Division, WTB at (202) 418-0660, or Tom Mooring, OET at (202) 418-2450. Internet URL: [https://www.fcc.gov/Bureaus/Wireless/Public\\_Notices/1997/da970548.txt](https://www.fcc.gov/Bureaus/Wireless/Public_Notices/1997/da970548.txt)

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**SPEECHES**

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REMARKS OF COMMISSIONER RACHELLE B. CHONG TO AMERICAN ADVERTISING FEDERATION NATIONAL GOVERNMENTAL AFFAIRS CONFERENCE, MARCH 13, 1997, WASHINGTON, D.C., "ASTEROIDS, RESPONSIBILITY, AND TELEVISIONS". Internet URL: <https://www.fcc.gov/Speeches/Chong/sprbc703.html>

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**TEXTS**

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ACCOUNTING FOR JUDGEMENTS AND OTHER COSTS ASSOCIATED WITH LITIGATION. Revised Commission's accounting rules and ratemaking policies that should apply to litigation costs incurred by carriers subject to the Commission's Part 32 rules. Dkt No.: CC- 93-240. Action by the Commission. Adopted: March 11, 1997. by R&O. (FCC No. 97-80). CCB Internet URL: [https://www.fcc.gov/Bureaus/Common\\_Carrier/Orders/1997/fcc97080.txt](https://www.fcc.gov/Bureaus/Common_Carrier/Orders/1997/fcc97080.txt)

MCELROY ELECTRONICS CORPORATION FOR AUTHORITY TO SERVE UNSERVED AREAS IN MSA MARKET NO. 15. Granted the amended application of McElroy Electronics Corporation to serve unserved areas of the Minneapolis-St. Paul Metropolitan Statistical Area. Action by Chief, Wireless Telecommunications Bureau. Adopted: March 13, 1997. by MO&O. (DA No. 97-542). WTB Internet URL: <https://www.fcc.gov/Bureaus/Wireless/Orders/1997/da970542.txt>

REQUESTS BY INTERACTIVE VIDEO AND DATA SERVICE LOTTERY WINNERS TO WAIVE THE MARCH 28, 1997 CONSTRUCTION DEADLINE. Granted to an extent the Petitioners requests for waiver of Section 95.833 of the Commission's Rules insofar as the March 28, 1997 construction deadline for the eighteen IVDS lottery licensees is suspended as described; denied all other requests. Action by Chief, Wireless Telecommunications Bureau. Adopted: March 13, 1997. by Order. (DA No. 97-535). WTB Internet URL: <https://www.fcc.gov/Bureaus/Wireless/Orders/1997/da970535.txt>